

Department of Community Planning and Economic Development

Variance
BZZ 6353

Date: January 9, 2014

Applicant: Jaret Giesbrecht

Address of Property: 401 7th Avenue SE

Contact Person and Phone: Jaret Giesbrecht, (612) 209-0403

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: November 18, 2013

End of 60-Day Decision Period: January 17, 2014

End of 120-Day Decision Period: March 18, 2014 (*Staff sent an extension letter to the applicant on December 4, 2013*)

Ward: 3 **Neighborhood Organization:** Marcy-Holmes Neighborhood Association

Existing Zoning: R2B Two-Family District

Existing Overlay District: UA University Area Overlay District

Zoning Plate Number: 15

Proposed Use: Air conditioning condenser accessory to an existing two-family dwelling

Variance: to reduce the front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner,

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

Background: This application was continued from the December 12, 2013, Zoning Board of Adjustment meeting to allow for the applicant to notify the neighborhood association and council member.

The subject property is approximately 57.5 feet by 66 feet (3,787 square feet) and is on a reverse corner lot, located at the north corner of 7th Avenue SE and 4th Street SE. The property consists of an existing two and a half-story, two-family dwelling, with a basement garage that was constructed in 1941. The

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addition to the dwelling was permitted earlier this year after receiving a variance at the August 8, 2013, Board of Adjustment meeting.

The applicant is now proposing to add air conditioning to the existing building. The condenser unit was installed with a mechanical permit, however, the location is not permitted by the zoning code because the adjacent structure to the northwest has frontage along 4th Street SE and is setback approximately 32 feet 5 inches from the front property line. Due to the platting of the land, the subject parcel is required to meet a minimum required front yard of 20 feet along 7th Avenue SE, the minimum required front yard in the R2B District and 32 feet 5 inches along 4th Street SE, the setback established by the adjacent structure. Therefore, the applicant has requested a variance to reduce front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner.

Staff has not received correspondence from the Marcy-Holmes Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

VARIANCE: to reduce the front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner.

Findings as Required by the Minneapolis Zoning Code for a Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The circumstances upon which the variance is requested are unique to the parcel of land due to the platting of the land, the size of the lot and the location of the existing dwelling. The applicant is proposing to add air conditioning equipment accessory to an existing two-family dwelling. The applicant would be required to relocate the condenser unit to the rear of the property to be outside of the required front yard setback. In this location, the mechanical system would have to enter the basement of the other dwelling unit and pierce the basement wall between the two dwellings. The platting of the parcel requires a minimum 20 foot setback along 7th Avenue SE and a 32 foot 5 inch setback along 4th Street SE due to the location of the adjacent dwelling. Further, the subject property is substandard in size. The minimum lot area for a single-family dwelling in the R2B District is 5,000 square feet. The subject property is 3,787 square feet in area, which further reduces the area on the site to allow for the proposed project. Finally, the existing dwelling is currently nonconforming to the front yard setback along both 7th Avenue SE and 4th Street NE. Staff finds that these circumstances create a practical difficulty that was not created by the applicant.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The applicant has recently installed a new condenser unit for an air conditioning system accessory to an existing two-family dwelling on a reverse corner lot. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing

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adequate light, air, open space and separation of uses. The adjacent structure to the northwest is located approximately 24 feet to the shared property line and approximately 43 feet to the condenser. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff finds that the granting of the variance would not be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the subject property is setback a large distance to the two adjacent dwellings. The applicant has provided a picture of proposed screening that will be compatible with the existing structure. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building and mechanical codes.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the front yard setback along 4th Street SE from approximately 32 feet 5 inches to approximately 14 feet to allow for air conditioning equipment accessory to an existing two-family dwelling located on a reverse corner lot at 401 7th Avenue SE in the R2B Two-Family District and UA University Area Overlay District, subject to the following conditions of approval:

1. Approval of the final site plan by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by June 1, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The air conditioning equipment shall be screened from view from the public street.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Hofstede and Marcy-Holmes Neighborhood Association
3. Zoning map
4. Survey/site plan
5. Proposed enclosure
6. Photos